

Appl. No. 10/647,320  
Reply to Official Action mailed on February 23, 2007

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### REMARKS/ARGUMENTS

Claims 13-35 remain in the application. Claims 1-12 are withdrawn. Claims 13, 14, 22, 23, 27, and 31 have been amended.

The Examiner has requested a restriction of invention under 35 U.S.C. § 121. As such, Applicant has elected without traverse to select the species II as indicated by the Examiner, namely those drawn to a method for encoding an audio signal by determining an inharmonicity index, including claims 13-22, to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 23-24, 27-28, and 31-33 are generic.

Applicant hereby reserves without traverse the right to file non-elected claims 1-12 in unamended form by divisional application.

There is no change to inventorship caused by the above action.

Claims 13, 14, 22, 23, 27, and 31 have been amended in order to avoid invoking 35 U.S.C. 112, sixth paragraph. In particular, all instances of phrases such as --the steps of--, and --the step of-- have been deleted. Applicant wishes to note for the record that the amendments are not intended to be narrowing, nor are the amendments being made for a reason related substantially to patentability. Applicant respectfully submits that no new matter has been added in the amendments.

Applicant looks forward to receiving a first Official Action in due course.

26 Mar 2007 4:03PM Freedman and Associates

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Please charge any additional fees required or credit any overpayment to  
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Respectfully submitted,



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